

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANNETTE GODBY-DEAN,	:	NO. 1:12-CV-00734
	:	
Plaintiff,	:	
	:	ORDER
v.	:	
	:	
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's October 29, 2013 Report and Recommendation (doc. 23). Proper notice was provided to the parties under 28 U.S.C. § 636(b)(1)(C), including the advice that they would waive further appeal if they failed to file an objection to said Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

To date, no objections have been filed and the Court finds no clear error in the record. See Advisory Committee Notes to Fed. R. Civ. P. 72; Thomas v. Arn, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."). On the contrary, the Court finds the

Magistrate Judge's Report and Recommendation well-reasoned, thorough and correct. Accordingly, the Court ACCEPTS, ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 23), VACATES the decision of the Administrative Law Judge ("ALJ") that Plaintiff be denied Supplemental Security Income benefits, REMANDS this matter (under sentence four of 42 U.S.C. § 405(g)) to the ALJ for proceedings consistent with this Opinion, and DISMISSES this case from the Court's docket. Remand is appropriate in cases, as here, when there is insufficient evidence in the record to support Defendant Commissioner's conclusion and further fact-finding is necessary. See Faucher v. Sec'y of Health & Human Servs., 17 F.3d 171, 176 (6th Cir. 1994). On remand, as the Magistrate Judge recommended, the ALJ should: (1) ensure that the medical record is fully developed; (2) obtain medical opinion evidence from Plaintiff's treating neurologist about whether Plaintiff's seizures are controlled with medication; and (3) re-evaluate Plaintiff's medication compliance in conformity with the requirements of Social Security Ruling 82-59.

SO ORDERED.

Dated: December 3, 2013 s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge